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United States Attorney

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	No. 3:19-CR-00110-RRB-MMS
	)	
Plaintiff,	)	<b>UNOPPOSED MOTION TO</b>
	)	<b>CONTINUE TRIAL</b>
vs.	)	
	)	
LAVERN R. DAVIDHIZAR,	)	
	)	
Defendant.	)	
_____	)	

The United States, by the undersigned Assistant United States Attorney, hereby moves this Court for an order continuing the trial date and respectfully represents as follows:

Trial in this case is scheduled to commence on November 7, 2022 (with a final pretrial conference scheduled for October 26, 2022). Dkt. 125. The parties believe that trial will last approximately two to three weeks.

The United States, however, has learned that the undercover officer that purchased

controlled substances from the Defendant will be on vacation out of the state from November 8, 2022, to November 22, 2022. The officer is a necessary witness for trial.

Consequently, the United States respectfully requests that the court continue the trial date.

Defendant is not in custody and defense counsel, Robert Herz, has no opposition to a continuance of trial.

The parties have conferred and request that trial commence on January 23, 2023, or January 30, 2023, or as soon thereafter as possible based on the Court's availability.

The case has been declared complex (Dkt. No. 59), failure to continue the trial would result in a miscarriage of justice, and the ends of justice will be served by granting this continuance. Specifically, the ends of justice will be served and outweigh the countervailing interests because the undercover witness is critical to the trial and defense counsel is not available for trial prior to the current November 7, 2022, trial date.<sup>1</sup> In addition, the United States intends to file a motion to compel Defendant to disclose expert discovery.

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<sup>1</sup> During the conference of counsel to discuss trial dates, the United States suggested advancing the trial date; however, defense counsel is not available. Defense counsel is also unavailable in December 2022.

RESPECTFULLY SUBMITTED this 22nd day of March 2022, in Anchorage,  
Alaska.

JOHN E. KUHN, JR.  
United States Attorney

s/ Michael Heyman  
MICHAEL HEYMAN  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on March 22nd, 2022  
a true and correct copy of the foregoing  
was served electronically on:

Counsel of record

s/Michael Heyman  
Office of the U.S. Attorney